

IN THE SENATE OF THE UNITED STATES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with an agreement of the Pawnee Indians for the cession of certain lands in the Territory of Oklahoma.

JANUARY 4, 1893.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Pawnee tribe of Indians, in the Territory of Oklahoma, for the cession of certain lands, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION,

January 4, 1893.

DEPARTMENT OF THE INTERIOR,
Washington, December 23, 1892.

The PRESIDENT:

I have the honor to submit herewith an agreement entered into by and between the Cherokee Commission and the Pawnee tribe of Indians in Oklahoma Territory, for the cession of the reservation upon which they reside, together with the report of the Commission transmitting the agreement.

The agreement has been considered by the Commissioner of Indian Affairs, who reports that it appears to be in proper form and is properly executed.

Believing that the moneys accruing under this agreement should not be subjected to the payment of Indian depredation claims, I have caused to be prepared an additional section to the bill formulated by the Commissioner of Indian Affairs ratifying this agreement, similar to that referred to in my letter of this date, forwarding the Comanche, Kiowa, and Apache agreement.

Very respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 9, 1892.

SIR: I have the honor to acknowledge the receipt, by your reference for consideration and report, of the report of the Cherokee Commission, dated November 25, 1892, submitting an agreement made by the Commission with the Pawnee tribe of Indians in the Indian Territory, for the cession of the reservation or tract of country upon which they reside.

By the first article of the agreement, the said Pawnee Indians cede, convey, release, relinquish and surrender to the United States all their claim and interest of every kind and character in and to the following described tract of land in the Indian Territory:

All that tract of country between the Cimarron and Arkansas Rivers embraced within the limits of townships twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24) north, of range four east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24) north, of range five east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22) and twenty-three (23) north, of range six east of the Indian meridian.

By the second article it is agreed that the allotments of land made and to be made under the direction of the President shall, in all things, be confirmed and the title to the allotments so made shall be governed by all the conditions and limitations contained in the act of Congress approved February 8, 1887 (24 Stats., 388), and the act amendatory thereof: *Provided, however*, That the Indians shall be diligent in selecting their land; and all allotments shall be selected and designated within four months after this agreement shall be ratified by Congress, unless the Secretary of the Interior, in his discretion, shall extend said time: *And provided further*, Such allotments shall be selected by the allottee when over eighteen years of age, but for allottees under eighteen years the father, if living, but if dead, then the mother shall select such allotment; and if neither father nor mother be living then such allotment shall made by the agent, for the time being, in charge of the affairs of said tribe; *Provided further*, That all persons, members of said tribe, who shall be born prior to the final completion of the allotting of said land as herein provided for shall have the right to allotments under this agreement, and that allotments made or to be made by said allotting agent, shall continue in force and be confirmed, even if the allottee shall die before the final completion of such allotting, and in such cases the law of partition and descent of the State or Territory wherein such land is situated shall govern: *And provided further*, That no allotment shall be taken on land now being used for church or educational purposes, or for public use by the United States, or on sections sixteen and thirty-six in each township, except where the allottees may have heretofore made improvements on said sections: *And provided further*, That in all cases where members of said tribe have already taken allotments on said reservation under the act approved April 10, 1876 (19 Stats., 28), such allotments shall be confirmed, if the allottee shall so elect, and the titles thereto held according to the provisions of this agreement; but in such cases the allottee shall have no right to any additional allotment under the law or this agreement.

By the third article it is agreed that article 2 of the treaty with the Pawnee tribe proclaimed May 26, 1858 (11 Stats., 729) so long as the same shall be in force, is to be amended so as to read as follows:

The United States agrees to pay to the Pawnees the sum of thirty thousand dollars per annum, as a perpetual annuity, to be distributed annually among them, per

capita, in coin, unless the President of the United States shall, from time to time otherwise direct. But it is further agreed that the President may, at any time, in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to, or expended for the benefit of said Indians, in such manner as to him shall seem proper.

Under the fourth article, the United States agrees, as an additional consideration for such cession, to pay to said tribe the sum of \$1.25 per acre for all the surplus land remaining in said reservation after the allotments herein provided for shall have been taken, and approved by the Secretary of the Interior, payable as follows: \$80,000 in coin, to be distributed among them per capita, at the subagency on said reservation, upon the ratification of this agreement by Congress, and the residue of the proceeds of said surplus lands shall be placed to the credit of said tribe in the Treasury of the United States, and bear interest at the rate of 5 per centum per annum, there to remain, at the discretion of the United States, the interest to be paid annually, and be distributed to said tribe, per capita.

The fifth article provides that this agreement shall not have the effect to repeal, modify, or change any of the treaty stipulations now in force between the United States and said tribe, except in the manner and to the extent herein expressly or by necessary implication provided for.

The sixth article provides that this agreement shall become effective when ratified by Congress.

The agreement is signed by 158 members of the tribe, and the interpreter's certificate shows that they reside upon the reservation and are male adults over the age of 21 years.

The clerk in charge of the Pawnee subagency, Charles M. Hill, certifies that the male adults over 21 years of age of said tribe number 203 and no more.

The title of the Pawnee Indians in and to the tract of country ceded by this agreement is derived from section 4 of the act approved April 10, 1876 (19 Stats., 28), which sets apart for the use and occupation of the Pawnee tribe of Indians the tract of country therein described.

The reservation contains 283,020 acres. The commissioners report that they found it a very common tract of country, very much broken, a great deal of rocky and sterile land, and hardly up in quality and worth to the average of land in that Territory. The Indians number about 800 souls.

The commissioners state that the provision for the payment of \$80,000 upon the ratification of the agreement by Congress, was induced by the fact that there are about 800 Pawnees; that the fact that they are about to take allotments, which will have to be improved by building houses and fences, makes it necessary that they should have the means with which to do it; that the payment will take about \$100 per capita, so that an average family of five will receive about \$500, which will enable the head of the family to provide himself with a house, stable, well, and fencing; that a much smaller payment down, not being sufficient for these purposes, would be expended for small, trifling, and unnecessary things without the Indians receiving any substantial or permanent benefit therefrom; that no time is fixed for this payment except that it is to be made upon the ratification of the agreement by Congress; that this was induced by the consideration that if a future time should be fixed for payment the Indians would be induced to trade it out before the time of payment arrived, whereby the payment, when made, would, in fact, be to the traders and not to the Indians.

Another matter referred to by the commissioners is the change in the treaty of 1858 aforesaid, by which it is provided that the perpetual annuity of \$30,000 shall be paid in coin instead of one-half thereof in goods. In this connection the commissioners state that the proposed change will cost the Government no more than at present, and that if the Indians are to have allotments, each one will need to spend his money for that which he will need; that the Indians were persistent in their demand that this be changed, and maintained that, as it now is, very little benefit is derived from it.

Another change contemplated by this agreement is that the payments are to be made in coin. The present mode of payment does not, states the commission, allow the Indian to have or see any money, as the payments are made in warrants, which are in turn given to the traders in settlement of their accounts with them; that the traders, knowing the amount and time of payment, extend a credit to the Indians accordingly, so that, in effect, the Indian receives goods from the trader instead of the money provided by law and treaties to be paid to the Indians.

The agreement appears to be in proper form and to be properly executed.

It is observed that the funds and interest are to be paid to the Indians in coin, per capita, instead of being expended for their benefit. The commission doubtless found it necessary to make this provision when securing the consent of the Indians, and as the reasons given in support of the method seem to be sound, I do not think objection should be raised to the ratification of the agreement on this account.

The contract refers to all lands ceded as being within the Indian Territory, while as a matter of fact they are within the Territory of Oklahoma. This, however, is not deemed a material variation, as the lands are otherwise accurately described.

I have prepared the draft of a bill carrying into effect the provisions of this agreement, and have also prepared copies of the papers for transmission to Congress, all of which are herewith transmitted.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, December 21, 1892.

SIR: In accordance with your request, I have examined the draft of a bill, prepared by the Commissioner of Indian Affairs, to ratify an agreement made by the Cherokee Commission with the Pawnee tribe of Indians in Oklahoma Territory, for the cession of their reservation, and also the report of the Commissioner and accompanying papers.

I have changed the draft as submitted, by setting forth in full, in section 4 thereof, the titles of the acts of Congress referred to therein. I have also prepared an additional section to said bill, incorporating therein the provision that none of the money to be paid to the Indians under said agreement shall be applied to the payment of any judgment rendered, or to be rendered, under the provisions of the act of March 3, 1891 (26 Stat., 851), as recommended by the supplemental report of

the Commission, of December 16, 1892, in regard to the agreement with the Comanche, Kiowa, and Apache tribes.

The report of the Cherokee Commission, and that of the Commissioner of Indian Affairs, each sets out quite fully the main points of the agreement, and the latter puts forward no objection to the ratification thereof in its present form. I have no suggestions to add.

The papers transmitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

PAWNEE AGENCY, OKLA., *November 25, 1892.*

SIR: We inclose herewith the agreement entered into with the Pawnee tribe of Indians in the Indian Territory and the report to the President thereon, as required by law. The Commission will proceed immediately to the Ponca Agency.

I have the honor to be, very respectfully,

DAVID H. JEROME,
Chairman Cherokee Commission.

Hon. JOHN W. NOBLE,
Secretary of the Interior, Washington, D. C.

PAWNEE AGENCY, OKLA., *November 25, 1892.*

SIR: We, the undersigned, members of the Cherokee Commission, now have the honor to report that we have this day concluded our agreement with the Pawnee tribe of Indians for the cession, conveyance, and release of its reservation to the United States. The agreement is inclosed.

We had been led to believe, from common report, and from official documents, that the reservation was made up of the best quality of land for farming purposes. We find, upon examination, however, that this is an erroneous and extravagant estimate of the character of the land. It is, in fact, but a very common tract of country—very much broken—a great deal of rocky and sterile land, and hardly up, in quality and worth, to the average of land in this Territory.

We arrived here directly after concluding the agreement with the Comanches, Kiowas and Apaches, beginning our councils on the 31st day of October and continuing them until to-day.

As has been usual, the questions brought forward by the Indians and that had to be discussed and settled, involved all their relations with the Government from the sale of their lands in Nebraska down to a demand for twenty-eight beeves for a Thanksgiving feast. The conduct of the business of the agency, the condition of the schools, the pensioning of scouts enlisted or attached to the Army, the distribution of sets of harness, the right to lease their allotments, to hire white men to dig wells, and the right to have social dances, etc., were brought forward and discussed with all the seriousness and energy that ought to attach matters of the very greatest concern.

We were compelled to consider, discuss, and adjust all these matters, because a confession of a want of authority would either shake the confidence of the Indians in us as representatives of the "Great Father"

and Congress, or would result in a suspension of further talk until we should write to Washington and get authority.

The agreement will show, as a matter of course, that, by discussion, all or nearly all of these matters were eliminated, and the matters settled thereby result in the sale to the United States of their reservation and the allotment of land to the Indians to be held in severalty.

We desire to call especial attention to two of the provisions in regard to the price paid and the terms of payment.

The provision for the payment of \$80,000 upon the ratification of the agreement by Congress was induced by the fact that there are about 800 Pawnees. The fact that they are about to take allotments, which will have to be improved by building houses and fences, makes it necessary that they should have the means with which to do it. The payment will amount to about \$100 per capita, so that an average family of five will receive about \$500, which will enable every head of a family to provide himself with a house, stable, well, and fencing. But a much smaller payment down, not being sufficient for these purposes, would be expended for small, trifling, and unnecessary things—in fact, go to the traders without the Indians receiving any substantial or permanent benefit therefrom. No time is fixed for this payment, except it is to be made upon the ratification of the agreement by Congress. This was induced by the consideration that if a future time should be fixed for payment the Indians would be induced to trade it out before the time of payment arrived, and the payment, when made, would, in fact, be to the traders and not to the Indians.

The other matter referred to is the change in the treaty of 1858, wherein it is provided that the perpetual annuity of \$30,000 shall be paid in coin, instead of one-half thereof in goods.

This will cost the Government no more than it does now, and if the Indians are to have allotments, each one will need to expend his money for that which he will need, and not that which the tribe may conclude, in council, that it needs.

The Indians were persistent in their demand that this be changed, and maintained that, as it now is, very little benefit was derived from it. They maintained that when clothing or boots and shoes had been estimated and allowed, that in the issue thereof no attention was paid to fitting the Indian with either, and generally the articles issued were too large or too small and were sold for little or nothing or thrown away.

This has not been so, however, under the present agent, who has not estimated for clothing, but rather lumber and wire. We agreed to the change but with the proviso, as contained in the agreement, that the President might from time to time direct otherwise.

The agreement also provides for payments to be made in coin. The present mode of payment does not allow the Indian ever to have or see any money—as the payments are made in warrants, which are in turn given to the traders in the settlement of accounts with them. The traders knowing the amount and time of payment, extend a credit to the Indians accordingly—so that, in effect, the Indian receives goods from the trader instead of the money provided by law and treaties to be paid to the Indians.

The Pawnee schools are well attended, and the older and uneducated Indians are manifesting an interest therein, not common to Indians generally, in that they defer to the judgment of their educated and English-speaking young men. In our councils they would submit matters to their judgment and be guided by them.

We ought not to conclude this report without especial mention of three of the educated Pawnees, viz, Harry Coons, James Murie, and Ralph Weeks. They are progressive and patriotic Pawnees, who look after and maintain the rights and interests of their people, without any manifestation whatever of selfishness. They are friends of their people and deserve well at the hands of both the Government and the Pawnees.

The certificate of the clerk in charge of the affairs of the Pawnees, which is attached to the agreement, shows the male adult population of the tribe to be 203. One hundred and fifty-seven of these have signed the agreement. We are assured that every male adult of the tribe favors the agreement, but of those not signing some are absent at school, others are engaged in work away from the agency, and a few are so indifferent that they have not attended the councils, but express themselves as entirely satisfied with whatever a majority of the tribe may determine to do.

In view of the fact that the appropriation for carrying on our work is well nigh exhausted, we desire to recapitulate the work we have accomplished. We have concluded agreements breaking up reservations, putting Indians upon allotments, and making ready for opening the surplus lands to settlement, as follows:

	Acres.
Iowas	228, 418
Sacs and Foxes	479, 668
Pottawatomies and Absentee Shawnees	575, 870
Cheyenne and Arapahoes	4, 297, 804
(Wichitas, 743,610 acres, included in Cheyenne acreage above.)	
Kickapoos	206, 466
Cherokees	6, 343, 479
(Tonkawas, 90,711 acres, included in Cherokee acreage above.)	
Comanche, Kiowas, and Apaches	2, 968, 893
(Pawnees, 283,020 acres, included in Cherokee acreage above.)	
Total	15, 100, 538

Reduced to square miles the entire area covered by the agreements we have made is 23,594.5, nearly two-thirds the area of the State of Indiana or nine times the area of original Oklahoma.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME.
ALFRED M. WILSON.
WARREN G. SAYRE.

The PRESIDENT.

AGREEMENT WITH THE PAWNEE INDIANS.

Articles of agreement made and entered into by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Pawnee tribe of Indians in the Indian Territory.

ARTICLE I.

The Pawnee tribe of Indians, in the Indian Territory, for the considerations hereinafter set forth, hereby cedes, conveys, releases, relinquishes, and surrenders to the United States all its title, claim, and interest, of every kind and character, in and to the following-described reservation in the Indian Territory, to wit:

All that tract of country between the Cimarron and Arkansas rivers embraced within the limits of townships twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range four (4) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range five (5) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23) north, of range six (6) east of the Indian Meridian.

ARTICLE II.

Whereas the President of the United States, by virtue of the authority conferred upon him by law, has directed that the individual members of said tribe of Indians shall take allotments of land in said reservation and hold the titles thereto in severalty; and

Whereas an allotting agent has been appointed to set apart such allotments and is now engaged in the prosecution of that work:

It is agreed that the allotments of land made and to be made under such direction of the President shall in all things be confirmed. The title to the allotments so made shall in all things, except as herein otherwise expressly provided, be governed by all the conditions and limitations contained in the law of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891: *Provided, however*, That said Indians shall be diligent in selecting their said land and all allotments shall be selected and designated within four months after this agreement shall be ratified by the Congress of the United States, unless the Secretary of the Interior in his discretion shall extend said time: *And provided further*, Such allotments shall be selected by the allottee, himself or herself, when over the age of eighteen years; but for allottees of said tribe under the age of eighteen years the father, if living, but if dead then the mother, shall select such allotment; and if neither father nor mother be living, then such allotment shall be made by the agent, for the time being, in charge of the affairs of said tribe: *Provided further*, That all members of said tribe who shall be born prior to the final completion of the allotting of said lands as herein provided for shall have the right to allotments under this agreement, and that allotments made or to be made by said allotting agent shall continue in force and be confirmed even if the allottee shall die before the final completion of such allotting, and in such cases the law of partition and descent of the State or Territory wherein such land is situated shall govern: *And provided further*, That no allotment shall be taken on land now being used for church or educational purposes, or for public use by the United States, or on sections sixteen (16) and thirty-six (36) in each township, except where the allottee may have heretofore made improvements on said sections, and in that case, the allottee may take his or her allotment on such sections, to cover his or her improvements, but according to legal subdivisions: *And provided further*, That in all cases where members of said tribe have already taken allotments of land in said reservation, in pursuance of and according to the provisions of section 5 of an act of Congress entitled "An act to authorize the sale of the Pawnee Reservation," approved April 10, 1876, such allotments shall be confirmed, if the allottee shall so elect, and the titles thereto held according to the provisions of this agreement. In such cases, however, the allottee shall have no right to any additional allotment under the law or this agreement.

ARTICLE III.

It is further agreed that article 2 of the treaty between the United States and the chiefs and headmen of the four confederate bands of Pawnee Indians, viz, Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee tribe, proclaimed May 26, 1858, so long as the same shall be in force, is hereby amended so as to read as follows:

"The United States agrees to pay to the Pawnees the sum of thirty thousand dollars per annum, as a perpetual annuity, to be distributed annually among them per capita, in coin, unless the President of the United States shall from time to time otherwise direct. But it is further agreed that the President may, at any time, in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to or expended for the benefit of said Indians in such manner as to him shall seem proper."

ARTICLE IV.

As an additional and only further consideration for such cession and conveyance, the United States agrees to pay to said tribe the sum of one dollar and twenty-five cents per acre for all the surplus land in said reservation, after the allotments herein provided for shall have been taken and approved by the Secretary of the Interior, payable as follows: Eighty thousand dollars in coin, to be distributed among them per capita, at the subagency on said reservation, upon the ratification of this agreement by Congress, and the residue of the proceeds of said surplus lands shall be placed to the credit of said tribe in the Treasury of the United States, and bear interest at the rate of five per centum per annum, there to remain at the discretion of the United States, the interest to be paid annually and be distributed to said tribe per capita on said reservation.

ARTICLE V.

This agreement shall not have the effect to repeal, modify, or change any of the treaty stipulations now in force between the United States and said Pawnee tribe of Indians, except in the manner and to the extent herein expressly or by necessary implication provided for.

ARTICLE VI.

This agreement shall become effective when ratified by the Congress of the United States.

Witness our hands at the Pawnee Agency this 23d day of November, 1892.

DAVID H. JEROME,
WARREN G. SAYRE,
ALFRED M. WILSON,

Commissioners on the part of the United States.

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| 1. Curley Chief, his x mark. | 53. Robert Real Rider, his x mark. |
| 2. Sun Chief, his x mark. | 54. Little Eagle, his x mark. |
| 3. Eagle Chief, his x mark. | 55. Frank West. |
| 4. Brave Chief, his x mark. | 56. Crow Chief, his x mark. |
| 5. War Chief, his x mark. | 57. John Shaw, his x mark. |
| 6. Lone Chief, his x mark. | 58. Frank Leader, his x mark. |
| 7. Room Chief, his x mark. | 59. Louis Matlack, his x mark. |
| 8. Frank White. | 60. Fancy Eagle, his x mark. |
| 9. Charley White, his x mark. | 61. William Riding-in, his x mark. |
| 10. Good Chief (Skeedee), his x mark. | 62. Kit George, his x mark. |
| 11. Little Chief, his x mark. | 63. Joseph Long, his x mark. |
| 12. Good Chief, Kit, his x mark. | 64. John Riding-up, his x mark. |
| 13. Young Chief, his x mark. | 65. Pet Fancy Rider, his x mark. |
| 14. Knife Chief, his x mark. | 66. Eye Bear, his x mark. |
| 15. Joseph Howell. | 67. Pretty Hawk, his x mark. |
| 16. George Shorter, his x mark. | 68. Frank Justice, his x mark. |
| 17. Robert Taylor, his x mark. | 69. Bear Chief, his x mark. |
| 18. Young Eagle, his x mark. | 70. John Johnson, his x mark. |
| 19. Sargeant Peters, his x mark. | 71. Hawk Norman, his x mark. |
| 20. Chowee Jake, his x mark. | 72. White Horse, his x mark. |
| 21. Harry Ceasar, his x mark. | 73. Mark Black Eagle, his x mark. |
| 22. Captain Jim, his x mark. | 74. John Chief Horse, his x mark. |
| 23. Sitting Bull, his x mark. | 75. Charles Eaves, his x mark. |
| 24. Echo Hawk, his x mark. | 76. Osage Sky See, his x mark. |
| 25. Clifford Harrison, his x mark. | 77. Alex. Hand, his x mark. |
| 26. Uncle John, his x mark. | 78. Yellow Calf, his x mark. |
| 27. Brigham Young, his x mark. | 79. Spotted Horse Chief, his x mark. |
| 28. Ruling Hissun, his x mark. | 80. Running Fox, his x mark. |
| 29. Walking Sun, his x mark. | 81. John Brown, his x mark. |
| 30. Leading Sun, his x mark. | 82. High Eagle, his x mark. |
| 31. Blue Hawk, his x mark. | 83. William Shermon, his x mark. |
| 32. Charley Walker, his x mark. | 84. Lester Pratt, his x mark. |
| 33. Simon Smith, his x mark. | 85. Little Sun, his x mark. |
| 34. Simon Adams, his x mark. | 86. Little Hawk, his x mark. |
| 35. Walking Bear, his x mark. | 87. Robert Hopkins, his x mark. |
| 36. Jackson Crosue, his x mark. | 88. George Crow, his x mark. |
| 37. Leading Fox, his x mark. | 89. War Lonwalk, his x mark. |
| 38. Ruben Shermon, his x mark. | 90. White Elk, his x mark. |
| 39. Good Sky, his x mark. | 91. Little Chief, his x mark. |
| 40. Harry Shorter, his x mark. | 92. Good Sun, his x mark. |
| 41. Abram Pratt. | 93. Fancy Horse, his x mark. |
| 42. George Good Fox, his x mark. | 94. Young Hawk, his x mark. |
| 43. John Haymon, his x mark. | 95. William Hunt, his x mark. |
| 44. Webster Fox, his x mark. | 96. Richard Field. |
| 45. Linford Smith. | 97. Nathaniel Mannington. |
| 46. Johnnie Box, his x mark. | 98. Solomon Tennyson, his x mark. |
| 47. Rush Roberts, his x mark. | 99. Jack Pecker, his x mark. |
| 48. White Eagle, his x mark. | 100. Lester Sun Eagle, his x mark. |
| 49. Crazy Horse, his x mark. | 101. John Buffalo, his x mark. |
| 50. John Lonwalk, his x mark. | 102. Bob White, his x mark. |
| 51. Wichita Blaine, his x mark. | 103. Barclay White, his x mark. |
| 52. James Murie, his x mark. | 104. John Moses, his x mark. |

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| 105. Dave Occapokish, his x mark. | 132. Rosso Pappan. |
| 106. Emmet Pearson, his x mark. | 133. Nelson Rice. |
| 107. Ezra Filton, his x mark. | 134. Ralph J. Weeks. |
| 108. Pike Chief, his x mark. | 135. William Matthews. |
| 109. Peter Wood, his x mark. | 136. Carl Eaves. |
| 110. Skee-dee Tom, his x mark. | 137. George Phillips. |
| 111. Pawnee Tom, his x mark. | 138. Darwin Peter. |
| 112. Frank Bayhülle, his x mark. | William Bayhülle. |
| 113. George Esau, his x mark. | George Howell. |
| 114. Afraid of Bear, his x mark. | Sherman Kerller. |
| 115. Seeing Eagle, his x mark. | Daniel Horse Chief. |
| 116. Billy Osborne, his x mark. | Sun Chief Hoop, his x mark. |
| 117. Matthew Simpson, his x mark. | Reuben Wilson, his x mark. |
| 118. Tom Wichita, his x mark. | Alfred Murie. |
| 119. Tom Swifter, his x mark. | Willie Morris. |
| 120. Tay Koos, his x mark. | John Moore. |
| 121. Charley Chapman, his x mark. | John Kellogg. |
| 122. Wilson Moore. | Stan. Murray, his x mark. |
| 123. Joseph Carrion. | John Fox, his x mark. |
| 124. William Morgan. | Broncho Bill, his x mark. |
| 125. Dolphus Carrion. | David Jones, his x mark. |
| 126. George Beaver, his x mark. | William Brown. |
| 127. Hawk Chief, his mark. | Major Smith. |
| 128. James R. Murie. | Henry Minthorn. |
| 129. Harry Coons. | Walter Davis. |
| 130. Bellex Baylepe. | Mad Bear, his x mark. |
| 131. John Morris. | David Gillingham. |

OKLAHOMA TERRITORY, *Pawnee Subagency, ss:*

I, Ralph J. Weeks, do certify that I am a member of the Pawnee tribe of Indians in the Indian Territory, and that I was chosen by said tribe as its interpreter during the negotiations with the Cherokee Commission; that I speak and understand both the English and Pawnee languages; that the annexed and foregoing contract and agreement by and between the United States and the said tribe was by me fully interpreted to said Indians and they made to fully understand the same; that after such interpretation the said Indians whose names appear subscribed to said contract signed the same or authorized it to be signed in my presence.

I further certify that said subscribers are members of said tribe and reside upon the reservation in the Indian Territory set apart for said Indians, and that said subscribers are male adults over the age of twenty-one years.

Given under my hand at the Pawnee Subagency, this 23d day of November, A. D. 1892.

RALPH J. WEEKS.

OKLAHOMA TERRITORY, *Pawnee Subagency, November 23, 1892, ss:*

I, Chas. M. Hill, certify on honor that I am clerk in charge of the Pawnee Subagency and have the custody of the rolls of the Pawnee tribe; that the male adults over 21 years of age of said tribe number 203 and no more, determined by a careful inspection of the records in said office and the use of all other reliable evidence.

Witness my hand this 23d day of November, 1892.

CHARLES M. HILL.

A BILL to ratify and confirm an agreement with the Pawnee tribe of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did on the twenty-third day of November, eighteen hundred and ninety-two, conclude an agreement with the Pawnee tribe of Indians in Oklahoma, formerly a part of Indian Territory, which said agreement is as follows:

Articles of agreement made and entered into by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Pawnee tribe of Indians in the Indian Territory.

ARTICLE I.

The Pawnee tribe of Indians, in the Indian Territory, for the considerations hereinafter set forth, hereby cedes, conveys, releases, relinquishes, and surrenders to the

United States all its title, claim, and interest of every kind and character, in and to the following-described reservation in the Indian Territory, to wit:

All that tract of country between the Cimarron and Arkansas rivers embraced within the limits of townships twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range four (4) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range five (5) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23) north, of range six (6) east of the Indian meridian.

ARTICLE II.

Whereas the President of the United States, by virtue of the authority conferred upon him by law, has directed that the individual members of said tribe of Indians shall take allotments of land in said reservation and hold the titles thereto in severalty; and

Whereas an allotting agent has been appointed to set apart such allotments, and is now engaged in the prosecution of that work,

It is agreed that the allotments of land made and to be made under such direction of the President, shall in all things be confirmed. The title to the allotments so made shall in all things, except as herein otherwise expressly provided, be governed by all the conditions and limitations contained in the law of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891: *Provided, however*, That said Indians shall be diligent in selecting their said land, and all allotments shall be selected and designated within four months after this agreement shall be ratified by the Congress of the United States, unless the Secretary of the Interior, in his discretion, shall extend said time: *And provided further*, Such allotments shall be selected by the allottee, himself or herself, when over the age of eighteen years; but for allottees of said tribe under the age of eighteen years, the father, if living, but if dead, then the mother shall select such allotment; and if neither father or mother be living, then such allotment shall be made by the agent for the time being in charge of the affairs of said tribe: *Provided further*, That all persons members of said tribe, who shall be born prior to the final completion of the allotting of said lands as herein provided for, shall have the right to allotments under this agreement, and that allotments made or to be made by said allotting agent shall continue in force and be confirmed, even if the allottee shall die before the final completion of such allotting, and in such cases the law of partition and descent of the State or Territory wherein such land is situated shall govern: *And provided further*, That no allotment shall be taken on land now being used for church or educational purposes, or for public use by the United States, or on sections sixteen (16) and thirty-six (36) in each township, except where the allottee may have heretofore made improvements on said sections, and in that case, the allottee may take his or her allotment on such sections, to cover his or her improvements, but according to legal subdivisions: *And provided further*, That in all cases where members of said tribe have already taken allotments of land in said reservation, in pursuance of and according to the provisions of section 5 of an act of Congress entitled "An act to authorize the sale of the Pawnee Reservation," approved April 10, 1876, such allotments shall be confirmed, if the allottee shall so elect, and the titles thereto held according to the provisions of this agreement. In such cases, however, the allottee shall have no right to any additional allotment under the law or this agreement.

ARTICLE III.

It is further agreed that article 2 of the treaty between the United States and the chiefs and headmen of the four confederate bands of Pawnee Indians, viz, Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee tribe, proclaimed May 26, 1858, so long as the same shall be in force, is hereby amended so as to read as follows:

"The United States agrees to pay to the Pawnees the sum of thirty thousand dollars per annum, as a perpetual annuity, to be distributed annually among them per capita, in coin, unless the President of the United States shall from time to time otherwise direct. But it is further agreed that the President may, at any time in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to or expended for the benefit of said Indians in such manner as to him shall seem proper."

ARTICLE IV.

As an additional and only further consideration for such cession and conveyance, the United States agrees to pay to said tribe the sum of one dollar and twenty-five cents per acre for all the surplus land in said reservation, after the allotments herein provided for shall have been taken and approved by the Secretary of the Interior, payable as follows: Eighty thousand dollars in coin, to be distributed among them per capita at the subagency on said reservation upon the ratification of this agreement by Congress, and the residue of the proceeds of said surplus lands shall be placed to the credit of said tribe in the Treasury of the United States, and bear interest at the rate of five per centum per annum, there to remain at the discretion of the United States, the interest to be paid annually and be distributed to said tribe per capita on said reservation.

ARTICLE V.

This agreement shall not have the effect to repeal, modify, or change any of the treaty stipulations now in force between the United States and said Pawnee tribe of Indians, except in the manner and to the extent herein expressly or by necessary implication provided for.

ARTICLE VI.

This agreement shall become effective when ratified by the Congress of the United States.

November, 1892.

DAVID H. JEROME,
WARREN G. SAYRE,
ALFRED M. WILSON,

Commissioners on the part of the United States.

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| 1. Curley Chief, his x mark. | 37. Leading Fox, his x mark. |
| 2. Sun Chief, his x mark. | 38. Ruben Shermon, his x mark. |
| 3. Eagle Chief, his x mark. | 39. Good Sky, his x mark. |
| 4. Brave Chief, his x mark. | 40. Harry Shorter, his x mark. |
| 5. War Chief, his x mark. | 41. Abram Pratt. |
| 6. Lone Chief, his x mark. | 42. George Good Fox, his x mark. |
| 7. Room Chief, his x mark. | 43. John Haymon, his x mark. |
| 8. Frank White. | 44. Webster Fox, his x mark. |
| 9. Charley White, his x mark. | 45. Linford Smith. |
| 10. Good Chief (Skedee), his x mark. | 46. Johnie Box, his x mark. |
| 11. Little Chief, his x mark. | 47. Rush Roberts, his x mark. |
| 12. Good Chief, Kit, his x mark. | 48. White Eagle, his x mark. |
| 13. Young Chief, his x mark. | 49. Crazy Horse, his x mark. |
| 14. Knife Chief, his x mark. | 50. John Lonwalk, his x mark. |
| 15. Joseph Howell. | 51. Wichita Blaine, his x mark. |
| 16. George Shorter, his x mark. | 52. James Murie, his x mark. |
| 17. Robert Taylor, his x mark. | 53. Robert Real Rider, his x mark. |
| 18. Young Eagle, his x mark. | 54. Little Eagle, his x mark. |
| 19. Sargeant Peters, his x mark. | 55. Frank West. |
| 20. Chowee Jake, his x mark. | 56. Crow Chief, his x mark. |
| 21. Harry Ceasar, his x mark. | 57. John Shaw, his x mark. |
| 22. Captain Jim, his x mark. | 58. Frank Leader, his x mark. |
| 23. Sitting Bull, his x mark. | 59. Louis Matlack, his x mark. |
| 24. Echo Hawk, his x mark. | 60. Fancy Eagle, his x mark. |
| 25. Clifford Harrison, his x mark. | 61. William Riding-in, his x mark. |
| 26. Uncle John, his x mark. | 62. Kit George, his x mark. |
| 27. Brigham Young, his x mark. | 63. Joseph Long, his x mark. |
| 28. Ruling Hissum, his x mark. | 64. John Riding-up, his x mark. |
| 29. Walking Sun, his x mark. | 65. Pet Fancy Rider, his x mark. |
| 30. Leading Sun, his x mark. | 66. Eye Bear, his x mark. |
| 31. Blue Hawk, his x mark. | 67. Pretty Hawk, his x mark. |
| 32. Charley Walker, his x mark. | 68. Frank Justice, his x mark. |
| 33. Simon Smith, his x mark. | 69. Bear Chief, his x mark. |
| 34. Simon Adams, his x mark. | 70. John Johnson, his x mark. |
| 35. Walking Bear, his x mark. | 71. Hawk Norman, his x mark. |
| 36. Jackson Crosue, his x mark. | 72. White Horse, his x mark. |

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| 73. Mark Black Eagle, his x mark. | 116. Billy Osborne, his x mark. |
| 74. John Chief Horse, his x mark. | 117. Matthew Simpson, his x mark. |
| 75. Charles Eaves, his x mark. | 118. Tom Wichita, his x mark. |
| 76. Osage Sky See, his x mark. | 119. Tom Swifter, his x mark. |
| 77. Alex. Hand, his x mark. | 120. Tay Koos, his x mark. |
| 78. Yellow Calf, his x mark. | 121. Charley Chapman, his x mark. |
| 79. Spotted Horse Chief, his x mark. | 122. Wilson Moore. |
| 80. Running Fox, his x mark. | 123. Joseph Carrion. |
| 81. John Brown, his x mark. | 124. William Morgan. |
| 82. High Eagle, his x mark. | 125. Dolphus Carrion. |
| 83. William Shermon, his x mark. | 126. George Beaver, his x mark. |
| 84. Lester Pratt, his x mark. | 127. Hawk Chief, his x mark. |
| 85. Little Sun, his x mark. | 128. James R. Murie. |
| 86. Little Hawk, his x mark. | 129. Harry Coons. |
| 87. Robert Hopkins, his x mark. | 130. Bellex Baylepe. |
| 88. George Crow, his x mark. | 131. John Morris. |
| 89. War Lonwalk, his x mark. | 132. Rosso Pappan. |
| 90. White Elk, his x mark. | 133. Nelson Rice. |
| 91. Little Chief, his x mark. | 134. Ralph J. Weeks. |
| 92. Good Sun, his x mark. | 135. William Matthews. |
| 93. Fancy Horse, his x mark. | 136. Carl Eaves. |
| 94. Young Hawk, his x mark. | 137. George Phillips. |
| 95. William Hunt, his x mark. | 138. Darwin Peter. |
| 96. Richard Field. | William Bayhyle. |
| 97. Nathaniel Mannington. | George Howell. |
| 98. Solomon Tennyson, his x mark | Sherman Kerller. |
| 99. Jack Pecker, his x mark. | Daniel Horse Chief. |
| 100. Lester Sun Eagle, his x mark. | Sun Chief Hoop, his x mark. |
| 101. John Buffalo, his x mark. | Reuben Wilson, his x mark. |
| 102. Bob White, his x mark. | Alfred Murie. |
| 103. Barclay White, his x mark. | Willie Morris. |
| 104. John Moses, his x mark. | John Moore. |
| 105. Dave Occapokish, his x mark. | John Kellogg. |
| 106. Emmet Pearson, his x mark. | Stan. Murray, his x mark. |
| 107. Ezra Filton, his x mark. | John Fox, his x mark. |
| 108. Pipe Chief, his x mark. | Broncho Bill, his x mark. |
| 109. Peter Wood, his x mark. | David Jones, his x mark. |
| 110. Skee-dee Tom, his x mark. | William Brown. |
| 111. Pawnee Tom, his x mark. | Major Smith. |
| 112. Frank Bayhyle, his x mark. | Henry Minthorn. |
| 113. George Esau, his x mark. | Walter Davis. |
| 114. Afraid of Bear, his x mark. | Mad Bear, his x mark. |
| 115. Seeing Eagle, his x mark. | David Gillingham. |

OKLAHOMA TERRITORY, *Pawnee Subagency, ss :*

I, Ralph J. Weeks, do certify that I am a member of the Pawnee tribe of Indians in the Indian Territory, and that I was chosen by said tribe as its interpreter during the negotiations with the Cherokee Commission; that I speak and understand both the English and Pawnee languages; that the annexed and foregoing contract and agreement by and between the United States and the said tribe was by me fully interpreted to said Indians and they made to fully understand the same; that after such interpretation the said Indians whose names appear subscribed to said contract signed the same, or authorized it to be signed, in my presence.

I further certify that said subscribers are members of said tribe and reside upon the reservation in the Indian Territory set apart for said Indians, and that said subscribers are male adults over the age of twenty-one years.

Given under my hand at the Pawnee Subagency this 23rd day of November, A. D. 1892.

RALPH J. WEEKS.

OKLAHOMA TERRITORY, *Pawnee Subagency, November 23, 1892, ss :*

I, Chas. M. Hill, certify on honor that I am the clerk in charge of the Pawnee Subagency and have the custody of the rolls of the Pawnee tribe; that the male adults over 21 years of age of said tribe number 203 and no more, determined by a careful inspection of the records in said office and the use of all other reliable evidence.

Witness my hand this 23rd day of November, 1892.

CHARLES M. HILL.

Therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted and confirmed.

SEC. 2. That for the purpose of making the allotments provided for in said agreement, including the pay and expenses of the necessary special agents hereby authorized to be appointed by the President for the purpose, and the necessary resurveys, there be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary.

SEC. 3. That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of eighty thousand dollars, which sum shall be distributed among them per capita, at the subagency on said reservation, as provided by article four of the agreement.

SEC. 4. That whenever any of the lands acquired by this agreement shall be opened to settlement by proclamation of the President, they shall be disposed of under the general provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," relating to the disposal of the public lands in that Territory, and also those general provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes" relating to the disposal of public lands in said Territory.

SEC. 5. That none of the money, or interest thereon which is by the terms of the said agreement, to be paid to said Indians, shall be applied to the payment of any judgment that has been, or may hereafter be, rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."